

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MICHAEL L. CHASSE,)
)
 Plaintiff)
)
 v.) Civil No. 99-0119-B
)
 DAVID CLEWLEY, et al.,)
)
 Defendants)

RECOMMENDED DECISION

Defendants David Clewley, Steven Barker (f/k/a John Doe #1), and Danny Green (f/k/a John Doe #2) move for dismissal of Plaintiff’s Complaint pursuant to Federal Rule of Civil Procedure 12 both for Plaintiff’s failure to state a claim upon which relief may be granted and for lack of service of process. Plaintiff has not responded to the Motion to Dismiss. In this District, a failure to respond within the time period provided by the local rules is construed to waive objection to a motion. D. Me. R. 7(b). Accordingly, the Motion to Dismiss is appropriately granted for Plaintiff’s failure to object.

Conclusion

I hereby recommend Defendants Clewley’s, Barker’s and Green’s Motion to Dismiss be GRANTED.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) (1988) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

Eugene W. Beaulieu
United States Magistrate Judge

Dated on: January 12, 2000